IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 16091 of 2005

Between:

K. Madhusudhan Rao, S/o. Venkateshwar Rao,
APSEB, Vinayakapuram, Aswaraopet, Khammam District.

..... PETITIONER

AND

The Northern Power Distribution Company of A.P. Limited, Rep. by Divisional Engineer (O), Sathupally, Khammam District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ or direction preferably Writ of Mandamus declaring the proceedings of the respondent issued in Memo No. DEE/OP/STPL/ADM/JAO/UI/ENO. DC/D.No. 843/05 dt. 16-7-2005 as illegal, arbitrary, without authority, and violative of principles of natural justice and consequently set aside the same.

Counsel for the Petitioner:MR.KOWTURU VINAYA KUMAR

Counsel for the Respondent Nos.: MR.SAMINENI KISHORE

The Court made the following :

ORDER:

1. This writ petition is filed by the petitioner aggrieved by the order of suspension passed by the respondent dated 16-7-2005, alleging that the petitioner was detained by the police and he was in the police custody for more than 48 hours. Therefore, in terms of Regulation 11(b) of A.P.S.E.B. Employees discipline and appeal Regulations which were adopted by APNPDCL, the petitioner was placed under suspension.

2. The contention of the learned counsel for the petitioner is that the petitioner was not in the police custody, but he was in the judicial custody. Another contention raised by the learned counsel for the petitioner is that a criminal case registered against the petitioner was on a complaint made by the petitioner's sister-in-law, which is no way concerned in discharging of his duties with the respondent organization.

3. At this stage, this Court may not be in a position to appreciate the contentions and go into the merits of those allegations. However, it is brought to the notice of this Court that an appeal remedy is available to the petitioner.

4. Under those circumstances, the writ petition is disposed of directing the petitioner to avail the remedy of appeal. No order as to costs.

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S.Ananda Reddy, J.

22nd July, 2005.

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Divisional Engineer (O), Northern Power Distribution Company of A.P. Limited, Sathupally, Khammam District.

2. 2 CD copies

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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22nd JULY, 2005.